



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,671	12/14/1999	PAUL WILKINSON DENT	8194-140IP2	4127

20792 7590 02/13/2004

MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 02/13/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/461,671

Applicant(s)

DENT, PAUL WILKINSON

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 12 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17, 19-33, 36 and 38-50 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 18, 34 and 35, 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9, 13, 14, 19, 20, 28, 32, 33, 38, 39, 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Dent (U. S. Patent Number 5,584,057).

***Regarding claims 1, 9, 19, 20, 28, 38, 39, 47,*** Dent discloses essentially all the claimed invention as set fourth in the instant application, further Dent discloses use of a diversity transmission to relax adjacent channel requirements in mobile telephone systems. In addition Dent discloses a transmitter that transmits from a common antenna (25) at a plurality of radio frequencies (f1, f2), a plurality of radio channel frequency signals (A1-A8, B5-B8) that are modulated with respective information modulation, the transmitter comprising, a plurality of modulators (20, 26) a respective one of which corresponds to a respective one of the plurality of radio channel frequencies (f1-fn,f2-fn+1) each modulator generating at least one constant amplitude phase modulated drive signal (f1, f2) at the corresponding radio channel frequency from the respective information modulation such that the at least constant amplitude, phase

Art Unit: 2681

modulated drive signal corresponds to the information modulation for the corresponding radio frequency (as exhibited in figure 2 and which reads on column 6 lines 9-29); at least one saturated power amplifier (21, 27) for each of the at least one constant amplitude, phase modulated drive signal (f1, f2) that is responsive to the corresponding constant amplitude, phase modulated drive signal to produce a corresponding amplified output signal (f1-fn, f2-fn+1) at an output thereof; a coupling network (23) that connects the outputs of the saturated power amplifiers (21, 27) in series to produce a combined signal that is applied to the common antenna (25), such that the common antenna (25) radiates the plurality of radio channel frequency signals that are modulated with the respective information modulation (as exhibited in figure 2 and which reads on column 3 lines 1-7).

***Regarding claims 13, 32,*** Dent discloses everything claimed, as applied above (see claim 1 ) additionally, Dent disclose the coupling network (22) comprises a plurality of transformers each having primary and secondary, a respective primary (f1, f2) being coupled to a respective output of a respective saturated power amplifier (21, 27), the secondary being coupled together to the common antenna (25) as exhibited in figure 2.

***Regarding claims 14, 33,*** Dent discloses everything claimed, as applied above (see claim 1 ) additionally, Dent disclose the coupling network (22) comprises a plurality of quarter wavelength transmission lines each having first and second ends, a respective first end (f1, f2) being coupled to a respective output of a respective saturated power amplifier (21, 27), the second ends being coupled together to the common antenna (25) as exhibited in figure 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-8,10-12,17,21-27,29-31,36,40-46,48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dent in view of Ashby et al. (U. S. Patent Number 5,305,384).

***Regarding claims 2,3,21,22,40,41***, Dent discloses everything claimed, as applied above (see claim 1 ) however, Dent fails to specifically disclose at least one constant amplitude, phase modulated drive signal is a single constant envelope modulation drive signal and wherein the information modulation is a constant envelope information modulation.

In the same field of endeavor, Ashby et al. further discloses a apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al. discloses a single constant envelope modulation drive signal and wherein the information modulation is a constant envelope information modulation (as disclosed in column 3 lines 25-31 and column 8 lines 57-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with a single constant envelope modulation drive signal and wherein the information modulation is a constant envelope information modulation as taught by Ashby et al. for the purpose of converting and transmitting signals

Art Unit: 2681

***Regarding claims 4,10,23,29,42,48,*** Dent discloses everything claimed, as applied above (see claim 1 ) however, Dent fails to specifically disclose the information modulation is at least one of analog voice modulation and digital data modulation.

In the same field of endeavor, Ashby et al. further discloses a apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al. discloses the information modulation is at least one of analog voice modulation and digital data modulation (as disclosed in column 14 lines 12-16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with the information modulation is at least one of analog voice modulation and digital data modulation as taught by Ashby et al. for the purpose of converting and transmitting signals.

***Regarding claims 5, 24,43,*** Dent discloses everything claimed, as applied above (see claim 1 ) however, Dent fails to specifically disclose the analog voice modulation is analog Frequency Modulation (FM).

In the same field of endeavor, Ashby et al. further discloses a apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al. discloses the analog voice modulation is analog Frequency Modulation (FM) (as disclosed in column 3 lines 37-43).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with the analog voice modulation is analog

Art Unit: 2681

Frequency Modulation (FM) as taught by Ashby et al. for the purpose of converting and transmitting signals.

***Regarding claims 6, 25, 44,*** Dent discloses everything claimed, as applied above (see claim 1 ) however, Dent fails to specifically disclose the digital data modulation is at least one of continuous phase modulation (CPM) and Gaussian minimum shift keying GMSK

In the same field of endeavor, Ashby et al. further discloses a apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al. discloses the digital data modulation is at least one of continuous phase modulation (CPM) and Gaussian minimum shift keying GMSK (as disclosed in column 9 lines 20-23 and column 4 lines 7-13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with the digital data modulation is at least one of continuous phase modulation (CPM) and Gaussian minimum shift keying GMSK as taught by Ashby et al. for the purpose of converting and transmitting signals.

***Regarding claims 7, 26,45,*** Dent in view of Ashby et al. discloses everything claimed, as applied above (see claim 1 ) however, Dent in view of Ashby et al. fails to specifically disclose the analog FM conforms to the AMPS cellular radiotelephone standard. However, it is well known in the art to set and conform to wireless standards.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with the analog FM conforms to the AMPS

Art Unit: 2681

cellular radiotelephone standard as taught by Ashby et al. for the purpose of defining all the details and constraints that govern the design of transceivers used in a wireless system.

***Regarding claims 8, 27, 46,*** Dent discloses everything claimed, as applied above (see claim 1 ) however, Dent fails to specifically disclose the analog voice modulation is analog Frequency Modulation (FM).

In the same field of endeavor, Ashby et al. further discloses a apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al. discloses the analog voice modulation is analog Frequency Modulation (FM) (as disclosed in column 3 lines 39-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with the analog voice modulation is analog Frequency Modulation (FM) as taught by Ashby et al. for the purpose of converting and transmitting signals.

***Regarding claims 11, 12, 30, 31, 49, 50,*** Dent discloses everything claimed, as applied above (see claim 1 ) however, Dent fails to specifically disclose the digital data modulation is at least one of linear 8\_Phase Shift Keying (PSK) and  <sup>$\pi/4$</sup> ~~PSK~~ Differential Quadrature Phase Shift Keying (DQPSK).

In the same field of endeavor, Ashby et al. further discloses a apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al.



Art Unit: 2681

discloses digital data modulation is at least one of linear 8\_Phase Shift Keying (PSK) and TC/4 Differential Quadrature Phase Shift Keying (DQPSK) (as disclosed in column 5 lines 55-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with the digital data modulation is at least one of linear 8\_Phase Shift Keying (PSK) and TC/4 Differential Quadrature Phase Shift Keying (DQPSK) as taught by Ashby et al. for the purpose of converting and transmitting signals.

***Regarding claims 17,36***, Dent discloses everything claimed, as applied above (see claim 1 ) however, Dent fails to specifically disclose the power amplifiers each include bilateral amplifier devices that draw current from a DC power supply and supply current to the DC power supply during operation.

In the same field of endeavor, Ashby et al. further discloses a apparatus system and method for transmitting secure signals over narrow spaced channels. In addition Ashby et al. discloses the power amplifiers each include bilateral amplifier devices that draw current from a DC power supply and supply current to the DC power supply during operation (as disclosed in column 19 lines 48-49).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Dent by modifying a diversity transmission to relax adjacent channel requirements in mobile telephone systems with the power amplifiers each include bilateral amplifier devices that draw current from a DC power supply and supply current to the DC power supply during operation as taught by Ashby et al. for the purpose of converting and transmitting signals.

Art Unit: 2681

*Allowable Subject Matter*

4. Claims 15,16, 18,34,35,37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith  
January 25, 2004

  
**ERIKA GARY**  
**PATENT EXAMINER**